

REMARKS/ARGUMENTS

Pending claims 1, 9, and 11-12 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,964,162 (McAdam). Applicants respectfully traverse the rejection. As to claim 1, nowhere does McAdam disclose that a digitally encrypted audio signal is broadcast using a plurality of overlapping subcarriers. In this regard, the portions of McAdam cited by the Office Action (*see* Office Action, p. 2) merely disclose that an audio signal is digitally transmitted at a single subcarrier frequency. Similarly, McAdam further discloses transmitting audio during the video horizontal blanking interval, also at a single bandwidth.

The Office Action also points out that McAdam teaches that conventional analog stereo signals are transmitted at separate subcarrier frequencies of 5.6 and 7.6 MHz above a video carrier frequency. However, this does not disclose broadcasting digitally encrypted audio signals using a plurality of overlapping subcarriers. Accordingly, claim 1 and claims 9 and 11 depending therefrom are patentable over McAdam.

With regard to independent claim 12, McAdam does not disclose a graphics pattern generator that provides a graphics pattern to overlay on an analog video signal to form an obscured video signal. Instead, McAdam merely discloses reversing, inverting, or line scan scrambling given lines of a video signal. McAdam, col. 7, lns. 25-59. There is no teaching of either a graphics pattern generator nor overlaying such a graphics pattern on an analog video signal. Accordingly, claim 12 is patentable over McAdam.

Claims 2-8, 10, 13-15 and 17-26 stand rejected under 35 U.S.C. §103 over McAdam and U.S. Patent No. 5,416,801 (Chouly) and further in view of U.S. Patent No. 5,371,548 (Williams). Applicants respectfully traverse the rejection, at least for the reasons discussed above. Furthermore, with regard to dependent claim 2, there is no motivation to combine McAdam, which teaches modulation of an audio signal at a single frequency, with Chouly, which is directed to a digital signal transmission system. That is, Chouly nowhere teaches or suggests its use in a system for transmission of analog video signals. *In re Fritch*, 33 U.S.P.Q.2d 1780, 1783-84 (Fed. Cir. 1992). The mere fact that the prior art may be modified in a manner proposed by an Office Action does not make a modification obvious unless the prior art suggests the desirability of such modification. *Id.* This is particularly so here, where the Office Action provides no indication of the modifications necessary. Because such a teaching or suggestion is lacking, the rejection is improper. Nor does Williams provide any motivation for its combination

with either McAdam or Chouly. Accordingly, claims 2-8, 10, 13-15 and 17 are patentable over the proposed combination.

Dependent claims 5 and 24 stand rejected under the combination of McAdam, Chouly and Williams. These claims are patentable for the further reason that none of the references, either alone or in combination teach or suggest providing a guard interval with an orthogonal frequency division multiplexing (OFDM) symbol as a cyclic prefix. In this regard, while Chouly and Williams both disclose a guard interval, neither one teaches or suggests that such a guard interval is a cyclic prefix.

Dependent claims 22-23 and 25 are patentable for the further reason that none of the references teach or suggest that the cyclic prefix comprises a portion of a transmitted signal. In this regard, Williams merely discloses that the guard interval is a slice of data copied from an unsent part of transformed data. Williams, col. 8, lns. 40-60. Chouly does not even disclose what the guard interval is formed of. Instead, Chouly merely discloses that the guard interval is part of a useful duration of a signal. Of course, McAdam nowhere discloses use of such guard intervals. Accordingly, for these further reasons, claims 22-23 and 25 are patentable.

Independent claim 18 is patentable over the proposed combination, as none of the references teach or suggest a device to remove a graphics overlay from an analog video signal. In this regard, the Office Action refers to video decoder 222 of McAdam. However, nowhere does McAdam teach or suggest sending a signal with a graphics overlay, and video decoder 222 of McAdam is nowhere disclosed to be capable of removing a graphics overlay from an analog video signal. Instead, video decoder 222 merely unscrambles a video signal that is line spin scrambled, reversed or inverted. For at least these reasons, claim 18 and claims 19-21 and 26 are patentable over the proposed combination.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

Date: October 15, 2004



Mark J. Rozman
Registration No. 42,117
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024-1805
(512) 418-9944 [Phone]
(713) 468-8883 [Fax]
Customer No.: 21906